DOCUMENT RESUME

ED 418 523 EC 306 331

TITLE	Know Your Rights If You Get Arrested.
INSTITUTION	Arc, Arlington, TX.
SPONS AGENCY	Department of Justice, Washington, DC.
PUB DATE	1998-00-00
NOTE	9p.
AVAILABLE FROM	The Arc of the United States, 500 E. Border St., Suite 300, Arlington, TX 76010; telephone: 817-261-6003; fax: 817-277-3491; TDD: 817-277-0553; e-mail: thearc@metronet.com
PUB TYPE	Guides - Non-Classroom (055)
EDRS PRICE	EDRS Price MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS	*Civil Liberties; Civil Rights Legislation; *Disabilities; *Due Process; Federal Legislation; Law Enforcement; *Mental Retardation; Police; *Self Advocacy
IDENTIFIERS	*Americans with Disabilities Act 1990

ABSTRACT

This brochure provides a summary, in simple language, of an individual's legal rights under the Americans with Disabilities Act if arrested and offers specific suggestions for the individual faced with arrest. Answers and suggestions are provided for the following questions: "What happens if I am stopped by the police?"; "What happens if I am arrested?"; "What happens if I go to jail?"; and "What happens if I go to court?". Some of the tips highlighted are: "When you meet a police officer, don't be afraid, don't run away, and let the police know you have a disability if you need help"; "Watch out for people who ask you to do crimes"; and "If you are arrested and do not understand your rights, ask for a lawyer." The brochure also includes a place to provide basic contact information for police if the individual has trouble communicating. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 418 523

KNOW YOUR RIGHTS IF YOU GET ARRESTED

You have rights. For example, you have the right to vote, to marry and to work. Did you know that you also have rights if you are arrested?

The Americans with Disabilities Act (ADA) is a law that says you should not be treated differently because you have a disability. But, if you get arrested, you may need to be helped differently. Police, lawyers and judges may need to talk slower, use simple words and take more time to explain things.

If you do a crime, you can be punished just like anyone else. If you did not do a crime, but someone says you did, tell the police, the lawyer and the judge that you did not do a crime. Don't admit to a crime you did not do!

If you are arrested, the ADA can help you. It tells police, lawyers and judges to treat you fairly and to help you understand your rights.

This document provides general information to promote voluntary compliance with the ADA. It was prepared under a grant from the U.S. Department of Justice. While the Disability Rights Section has reviewed its contents, any opinions or interpretations in the document are those of The Arc and do not necessarily reflect the view of the Department of Justice. The ADA itself and the Department's ADA regulations should be considered for further, more specific guidance.

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN MICROFICHE ONLY HAS BEEN GRANTED BY

D. A. DAVIS

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

EC 306 331

BEST COPY AVAILABLE

WHAT HAPPENS IF I AM STOPPED BY THE POLICE?

Sometimes you may be stopped by police even if you did NOTHING wrong. Police often just want to know who you are, where you are going or where you have been.

TIP: When you meet a police officer, don't be afraid. Stay calm. Don't run away. Let the police know you have a disability if you need help.

Tell police your name. Give police a phone number of someone to call or your ID card if you need help.

You are usually free to go after you answer the questions.

BEST COPY AVAILABLE

WHAT HAPPENS IF I AM ARRESTED?

Joe is doing some grocery shopping. While Joe is at the store, he meets a stranger who asks him to hide some groceries in his jacket. The stranger told Joe he would be his friend if he would help him. Joe agreed to "help" since he wanted a new friend.

This card may help you if you are stopped or arrested by the police. Cut this card out and fill in the information. Then carry the card in your wallet or billfold. If you are ever stopped or arrested, you can show this card to the police officer. The card can show the police officer who to call if you cannot remember telephone numbers.

ATTENTION POLICE OFFICERS

If you think a person may have mental retardation, and are unable to communicate with the person or are unable to contact parents or friends, then contact the agencies on the reverse side of this card for more help.

BEST COPY AVAILABLE

TIP: Watch out for people who ask you to do crimes. Ask someone you trust (like a parent or a friend) to help you know what to do.

Taking something without paying for it is a crime. If you are caught doing a crime, you could be arrested, even if someone else told you to do the crime.

If you are arrested, the police handcuff you and search you.

The police officer tells you your rights.

The police officer asks if you understand your rights and if you want a lawyer.

The police put you in the police car and take you to jail.

BEST COPY AVAILABLE

TIP: If you are arrested and do not understand your rights, ASK FOR A LAWYER. Do not say anything to the police until you talk to a lawyer. You may need a lawyer even if you did nothing wrong. You don't need money to get a lawyer.

NOTE:
Do you know what other crimes can get you arrested?

Here are some examples:

- hanging around one place for a long time without a reason to be there
- taking or selling drugs
- being drunk in public
- breaking into someone's house or business
- writing checks to pay for something when you have no money in the bank
- helping someone else do a crime

WHAT HAPPENS IF I GO TO JAIL?

In jail, the police search you again.

BEST COPY AVAILABLE

NOTE:
The police may take you to the police precinct instead of jail to search you, take your fingerprints and your picture.

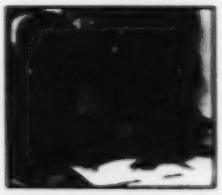
The police take everything out of your pockets. You won't get your things back until you leave jail. Your fingerprints are taken. Your picture is taken.

You can make ONE completed phone call.

TIP: In jail, call a parent or a friend who can help you.

ASK FOR A LAWER

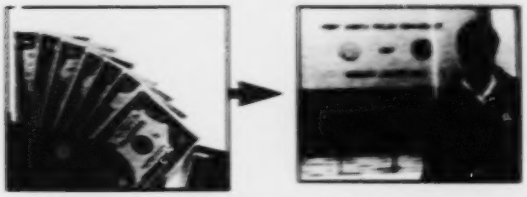
Your lawyer talks to you and will help you tell the judge what happened.



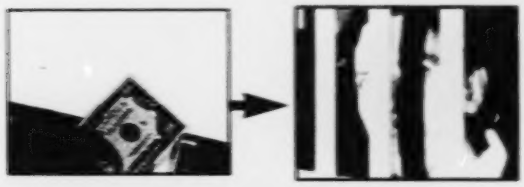
TIP: Let your lawyer know you have a disability. This will help your lawyer help you in court. Ask your lawyer to talk slower and repeat things if you can't understand what is being said.

EC306331

BEST COPY AVAILABLE



If the court lets you give them bail money, and you have enough money to give them, you won't have to stay in jail.



If you don't have enough money to give the court, you will have to stay in jail until your day in court.

Note: Bail money is money you give the court so you won't have to wait in jail until your day in court.

WHAT HAPPENS IF I GO TO COURT?

You will go to court to talk to the judge about the crime.

Your lawyer goes with you to court to tell the judge your side of the story.

The judge asks you if you did the crime. Your lawyer helps you know what to say to the judge.

BEST COPY AVAILABLE

The judge decides whether or not you did the crime. (Sometimes a group of people called a jury will decide this instead of a judge.)

If the judge thinks you are guilty (that you did do the crime), you will be punished.

If the judge thinks you are not guilty (that you did not do the crime), then you will not be punished and are free to go.

The Arc
a national organization on mental retardation

The Arc of the United States
500 E. Border Street, Suite 300
Arlington, Texas 76010
(817) 261-6003 • FAX (817) 277-3491
TDD (817) 277-0553
thearc@metronet.com (e-mail)

My name is:

_____

If I am arrested or stopped by police, call:

_____

I receive services from:

_____

Local chapter of The Arc:

_____

Emergency numbers:

_____

BEST COPY AVAILABLE